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Practitioner's Docket No. 0055.00

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schutt et al.

Application No.: 09/218,213

Group No.: 1615

Filed: 12/22/1998

Examiner: S. Tran

For: STABILIZED PREPARATIONS FOR USE IN NEBULIZERS

Assistant Commissioner for Patents  
Washington, D.C. 20231

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

## STATUS

2. Applicant is other than a small entity.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

Fee: \$380.00

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

09/25/2000 GANTHONY 00000001 500448 09218213  
Sale Ref: 00000001 DAA: 300348 09218213  
01 FC:116 380.00 Pmts, Washington, D.C. 20231.

Date:

9/15/00

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office.

Signature

Kathy E Honnert  
Kathy E Honnert  
(type or print name of person certifying)

(Amendment Transmittal--page 1 of 2)

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	25 / Minus	50	= 0	x \$18 =	\$0
Indep.	5 / Minus	5	= 0	x \$78 =	\$0
First Presentation of Multiple Dependent Claim				+ \$260 =	\$0
				Total Addit. Fee	\$0

No additional fee for claims is required.

**FEE PAYMENT**

5. Charge Account No. 500348 the sum of \$380.00. A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

6. If any additional extension and/or fee is required, charge Account No. 500348.  
If any additional fee for claims is required, charge Account No. 500348.

Date: 9/15/00

Michael J. Rafa  
Signature of Practitioner

Reg. No.: 38,740  
Tel. No.: 650-631-5053

Michael J. Rafa  
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U.S.A.

(Amendment Transmittal--page 2 of 5)

Practitioner's Docket No. 0055.00

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Group No.: 1615

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Assistant Commissioner for Patents  
Washington, D.C. 20231

## CERTIFICATION OF FACSIMILE TRANSMISSION

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Date

Kathy Honnert

Kathy E Honnert  
Signature

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0055

# PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Schutt et al.
Appl. No.	:	09/218,213
Filed	:	December 22, 1998
For	:	<b>STABILIZED PREPARATIONS FOR USE IN NEBULIZERS</b>
Examiner	:	TRAN, S.

Group Art Unit 1615

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office at (703) 305-3592 on the date indicated below.

9/15/00

Date \_\_\_\_\_

(Date) Kathy Honnert  
Kathy Honnert

### Lathy Honnert

**AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated April 28, 2000, please consider the following amendments and remarks with respect to the above-captioned application. A petition for a two month extension of time and fee are enclosed herewith.

**IN THE CLAIMS**

**Kindly amend the claims as follows:**

2. (Once amended) A method for the pulmonary delivery of one or more bioactive agents comprising the steps of:

providing a stabilized respiratory dispersion comprising one or more bioactive agents wherein the respiratory dispersion comprises a plurality of perforated microstructures suspended in and substantially permeated by a fluorochemical continuous phase wherein more than 30% of the average particle volume of the perforated microstructures is permeated by said suspension medium;

nebulizing said respiratory/dispersion with a nebulizer to provide an aerosolized